

STATE OF INDIANA



INDIANA UTILITY REGULATORY COMMISSION
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FILED

DEC 08 2004

INDIANA UTILITY
REGULATORY COMMISSION

CAUSE NO. 42172

VERIFIED PETITION OF
HEKK DEVELOPMENT, INC. FOR
DETERMINATION ON AN EMERGENCY
BASIS OF THE TERMS AND CONDITIONS
OF A SPECIAL SEWER MAIN EXTENSION
AGREEMENT WITH LMH UTILITIES
CORPORATION

You are hereby notified that on this date the Indiana Utility Regulatory Commission ("Commission") has caused the following entry to be made:

On February 7, 2002, HeKK Development, Inc. ("HeKK") filed with the Indiana Utility Regulatory Commission ("Commission") a *Verified Emergency Petition* against L.M.H. Utilities Corporation ("LMH") regarding connection issues between HeKK and LMH's sewer system in Bright, Indiana. Pursuant to notice and as provided for in 170 IAC 1-1.1-15, a Prehearing Conference in this Cause was held in the Room E306, Indiana Government Center South, Indianapolis, Indiana, at 2:30 p.m., EST, on April 24, 2003.

There has been no activity in this Cause since January 17, 2003. As this matter has been inactive for an extended period of time, the Presiding Officers hereby direct the Petitioner to notify the Commission within ten (10) calendar days as to why it believes this matter should not be dismissed. In the event the Petitioner fails to notify the Commission within ten (10) calendar days regarding its desire to proceed in this Cause, the Commission may take steps to dismiss this matter without prejudice pursuant to 170 IAC 1-1.1-24.

IT IS SO ORDERED.

David W. Hadley
David W. Hadley, Commissioner

Tom Cobb For
Tom Cobb, Administrative Law Judge

12-8-04
Date